

September 29, 1971

Explanation of Amendments Adopted by Subcommittee on
Markup of Invasion of Privacy Legislation
on September 14 and September 21, 1971

A new Committee Print has been prepared to reflect the amendments adopted by the Subcommittee on Tuesday, September 14 and Tuesday, September 21. The references in this explanation refer to that new Committee Print.

1. Inclusion of the Postal Service and the Postal Rate Commission-- offered by Mr. Hogan: Section 410 of the Postal Reorganization Act specifically provides that chapter 71 of title 5, USC, applies to the Postal Service. This chapter also applies to the Postal Rate Commission. Therefore, specific language including the Postal Service in the bill was not deemed necessary. The Subcommittee is awaiting confirmation of this interpretation from the Postal Service (p. 2, lines 5-14).
2. Subsection (A) (5) of the first Print relating to political contributions and attendance at political meetings was struck by an amendment offered by Mr. Udall as being redundant. Subsequent paragraphs were renumbered (p. 6 ff.).
3. The term "or request" was deleted per the Hogan amendment from the paragraph relating to coercion in bond and charity drives (p. 6, line 4).
4. At the September 14 meeting, language was added to subsection (b) requiring the President to submit to the House Post Office and Civil Service Committee and the Senate Judiciary Committee recommendations for exemptions from the bill for security agencies. The Committees would have had 30 days in which to veto the President's recommendations. This was done in response to the amendment sponsored by Mr. Udall.

In the September 21 meeting, provisions for Committee veto were dropped and a veto by either House was added by an amendment offered by Mr. Hogan (p. 9, lines 3-15).

5. The partial exclusions for CIA, NSA, FBI, and other security agencies were expanded to include exemption from the entire bill. The veto language remained the same. By exempting the agencies from subsection (a) the Subcommittee effectively exempts them from the entire bill (p. 8, line 19 through p. 9, line 15).
6. The Brasco amendment to provide that one member of the Board on Employee Rights be representative of a labor organization was added to Sec. 7174 (a). On September 21, the term "or association of supervisors" was added (p. 10, line 13).

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7. In Sec. 7174 (e), the sentence relating to the Board's determination of the nature and extent of proof and evidence was struck as unnecessary by the Brasco amendment (p. 11, line 14).
8. The Subcommittee direction to change all references to Federal employee organizations to read labor organizations has been followed throughout the bill. On September 21, the Subcommittee voted to remove any restrictions that labor organizations be recognized and add the term "or association of supervisors" -- appropriate changes were made throughout the bill.
9. The White amendment (September 21) to insure the right of trial by jury was added (p. 21 - lines 4-6).
10. The White amendment deleting the right of organizations to be actual parties to an action but maintaining their right of intervention was added (p. 21 - lines 7-8).
11. The White amendment requiring an employee to have an official summons to attend a hearing, etc., before being entitled to travel pay and other benefits was added (p. 21, line 23 through p. 22, line 10).
12. The White amendment to assure that remuneration would go only to attorneys for a party to the action was added (p. 22, line 13).

September 21, 1971

Explanation of Amendments Adopted by Subcommittee on
Markup of Invasion of Privacy Legislation
on September 14, 1971

A new Committee Print has been prepared to reflect the amendments adopted by the Subcommittee on Tuesday, September 14. The references in this explanation refer to that new Committee Print.

1. Inclusion of the Postal Service and the Postal Rate Commission -- offered by Mr. Hogan: Section 410 of the Postal Reorganization Act specifically provides that chapter 71 of title 5, U.S.C., applies to the Postal Service. This chapter also applies to the Postal Rate Commission. Therefore, specific language including the Postal Service in the bill was not deemed necessary (Sec. 7172, page 2, lines 5 through 14).
2. Subsection (A) (5) of the first Print relating to political contributions and attendance at political meetings was struck by an amendment offered by Mr. Udall as being redundant. Subsequent paragraphs were renumbered (page 6 ff.).
3. The term "or request" was deleted per the Hogan amendment from the paragraph relating to coercion in bond and charity drives (page 6, line 4).
4. Language was added to subsection (B) requiring the President to submit to the House Post Office and Civil Service Committee and the Senate Judiciary Committee recommendations for exemptions from the bill for security agencies. The Committees will have 30 days in which to veto the President's recommendations. This was done in response to the amendment sponsored by Mr. Udall (page 8, line 24 through page 9, line 16).
5. The Brasco amendment to provide that one member of the Board on Employee Rights be representative of a labor organization was added to Sec. 7174 (a) (page 10, lines 12 and 13).
6. In Sec. 7174 (e), the sentence relating to the Board's determination of the nature and extent of proof and evidence was struck as unnecessary by the Brasco amendment (page 11, line 14).
7. The Subcommittee direction to change all references to Federal employee organizations to read labor organizations has been followed throughout the bill.

*Question by Hogan whether
includes unions and supervisory organizations!*